

ASSEMBLY BILL

No. 1794

Introduced by Assembly Member Gilmore

February 10, 2010

An act to amend Section 38562 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 1794, as introduced, Gilmore. Emissions of greenhouse gases: California Global Warming Solutions Act of 2006.

The California Global Warming Solutions Act of 2006, establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board, on or before January 1, 2011, to adopt greenhouse gas emission limits and emission reduction measures, as defined, by regulation to achieve the maximum technologically feasible and cost-effective reductions in emissions of greenhouse gases, in furtherance of achieving the statewide greenhouse gas emissions limit, with the regulations to become operative beginning January 1, 2012.

This bill would make technical and nonsubstantive revisions to the above requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 38562 of the Health and Safety Code is amended to read:

38562. (a) On or before January 1, 2011, the state board shall adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in ~~greenhouse gas~~ emissions *of greenhouse gases*, in furtherance of achieving the statewide greenhouse gas emissions limit, to become operative beginning on January 1, 2012.

(b) In adopting regulations pursuant to this section and Part 5 (commencing with Section 38570), to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

(1) Design the regulations, including distribution of emissions allowances where appropriate, in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce ~~greenhouse gas~~ emissions *of greenhouse gases*.

(2) Ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.

(3) Ensure that entities that have voluntarily reduced their ~~greenhouse gas~~ emissions *of greenhouse gases* prior to the implementation of this section receive appropriate credit for early voluntary reductions.

(4) Ensure that activities undertaken pursuant to the regulations complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions.

(5) Consider cost-effectiveness of these regulations.

(6) Consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.

(7) Minimize the administrative burden of implementing and complying with these regulations.

(8) Minimize leakage.

(9) Consider the significance of the contribution of each source or category of sources to statewide emissions of greenhouse gases.

1 (c) In furtherance of achieving the statewide greenhouse gas
2 emissions limit, by January 1, 2011, the state board may adopt a
3 regulation that establishes a system of market-based declining
4 annual aggregate emission limits for sources or categories of
5 sources that emit greenhouse ~~gas emissions~~ *gases*, applicable from
6 January 1, 2012, to December 31, 2020, inclusive, that the state
7 board determines will achieve the maximum technologically
8 feasible and cost-effective reductions in ~~greenhouse gas emissions~~
9 *of greenhouse gases*, in the aggregate, from those sources or
10 categories of sources.

11 (d) Any regulation adopted by the state board pursuant to this
12 part or Part 5 (commencing with Section 38570) shall ensure all
13 of the following:

14 (1) The greenhouse gas emission reductions achieved are real,
15 permanent, quantifiable, verifiable, and enforceable by the state
16 board.

17 (2) For regulations pursuant to Part 5 (commencing with Section
18 38570), the reduction is in addition to any greenhouse gas emission
19 reduction otherwise required by law or regulation, and any other
20 greenhouse gas emission reduction that otherwise would occur.

21 (3) If applicable, the greenhouse gas emission reduction occurs
22 over the same time period and is equivalent in amount to any direct
23 emission reduction required pursuant to this division.

24 (e) The state board shall rely upon the best available economic
25 and scientific information and its assessment of existing and
26 projected technological capabilities when adopting the regulations
27 required by this section.

28 (f) The state board shall consult with the Public Utilities
29 Commission in the development of the regulations as they affect
30 electricity and natural gas providers in order to minimize
31 duplicative or inconsistent regulatory requirements.

32 (g) After January 1, 2011, the state board may revise regulations
33 adopted pursuant to this section and adopt additional regulations
34 to further the provisions of this division.